

REMARKS

The Examiner has rejected claims 1-7 and 13-21 as obvious over McMullin (U.S. Patent No. 5,809,128) in view of Serbetcioglu (U.S. Patent No. 5,511,111). As the Examiner admits, McMullin does not disclose receiving an audible identification from the caller or providing the audible identification via the computer network and the subscriber line. Rather, in McMullin the caller may simply provide a touch tone input, which is converted to a text representation of the caller's telephone number and transmitted to the computer of the subscriber who is on line. However, the caller can enter *any* number. Thus, the telephone number entered by the caller could be false, or may simply be unknown to the subscriber. In contrast, the present invention provides the audible identification, which could include providing the recorded voice of the caller, who would normally state his or her own name and/or the purpose of the call. Thus, in the present invention, the subscriber can determine whether the voice itself is recognized and corresponds to the stated identification. Further, other information can also be provided in the audible identification, based upon which the subscriber can determine whether to respond to the call. None of the benefits are provided by the system in McMullin.

Nor would it be obvious to combine the teachings of Serbetcioglu with the system of McMullin in the manner implied by the Examiner. Serbetcioglu simply describes the known call screening feature described in Applicant's background of the invention (page 1, lines 13-18). Serbetcioglu does not disclose or suggest that the audible identification could be provided to the subscriber via a computer network on the subscriber line. Neither Serbetcioglu nor McMullin provide any motivation for making the modification as suggested by the Examiner. Nor does the Examiner specifically point to any particular motivation in either Serbetcioglu or McMullin, or any information generally known in the art.

Applicant's background of the invention generally points out these two known methods shown in McMullin and Serbetcioglu; however, as McMullin demonstrates, it has

not been contemplated to send anything other than text to the subscriber via the computer network. Thus, as McMullin and Serbetciooglu demonstrate, the concepts of providing audible identification and providing identification over the computer network to the subscriber have been maintained separately. It is only Applicant's invention which further provides the feature of providing audible identification via the computer network. Since there is no suggestion or motivation for making this claimed invention, all of the claims are properly allowable.

The Examiner has rejected claims 8-12 as being obvious over Nabkel (U.S. Patent No. 5,999,613) in view of Serbetciooglu. Similar to the arguments above, neither of the references provide any motivation for making the modification as suggested by the Examiner. Nor has the Examiner offered any motivation for making the proposed modification to Nabkel. It is not sufficient to simply indicate that such a change could be made, the claim invention is not obvious unless there is a motivation or a suggestion to make the proposed modification. Such suggestion or motivation can come from the prior art references themselves or in the knowledge of those generally skilled in the art. In this case, there is no such suggestion or motivation and the Examiner has pointed to any.

It is believed that this application is in condition for allowance. If any fees or extension of times are required, please charge to Deposit Account No. 50-1482.

Respectfully submitted,
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Version with markings to show changes made

Please amend claims 3 and 4 as follows:

3. (Amended) The method of claim 1 further including the step of sending the [via] recording of the audible identification via the subscriber line in said step e).
4. (Amended) The method of claim 1 further including the steps of:
 - f) before said step c), determining whether calling party information is present in response to said step b);
 - g) determining that the calling party information is not present; and
 - h) performing said step c) in response to said step g).

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